

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 17, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

SEA-84-M-121 - WESTMINSTER SCHOOL, INC. (Decision Only)

(The public hearing on this application was held on January 10, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-84-M-121, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 16, 2001, REVISED AS FOLLOWS:

CONDITION NUMBER 5, LAST SENTENCE, DELETE EVERYTHING AFTER THE WORD "COMMITTEE" AND INSERT: "AND THE MASON DISTRICT SUPERVISOR'S OFFICE WILL BE NOTIFIED IN WRITING AT LEAST TWO WEEKS PRIOR TO THE EVENT."

ADDITIONALLY, DELETE THE LAST SENTENCE OF CONDITION NUMBER 19: "REFUSE AND TRASH REMOVAL SHALL BE PERMITTED ONLY BETWEEN THE HOURS OF 6:30 A.M. TO 6:30 P.M. WEEKDAYS."

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioner Wilson not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE SOUTHERN, WESTERN AND NORTHERN PROPERTY BOUNDARIES IN FAVOR OF THAT SHOWN ON THE SEA PLAT AND AS CONDITIONED.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioner Wilson not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE BARRIER REQUIREMENT ALONG THE WESTERN PROPERTY BOUNDARY AS CONDITIONED.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioner Wilson not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE REQUIREMENT THAT THE USABLE OUTDOOR RECREATION AREA SHALL BE LIMITED TO THE AREAS OUTSIDE THE LIMITS OF THE REQUIRED FRONT YARD.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioner Wilson not present for the vote; Commissioner Harsel absent from the meeting.

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FS-H00-104 - METRICOM, 2411 Dulles Corner Park

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY METRICOM, AT 2411 DULLES CORNER PARK, IN FS-H00-104, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Wilson not present for the vote; Commissioner Harsel absent from the meeting.

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FS-L00-114 - METRICOM, 3900 San Leandro Place

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION BY STAFF THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY METRICOM, FOR THE BROADCASTING TOWER LOCATED AT 3900 SAN LEANDRO PLACE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Wilson not present for the vote; Commissioner Harsel absent from the meeting.

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FS-L00-116 - METRICOM, 7711 Loisdale Road

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY METRICOM, FOR THE EXISTING MONOPOLE LOCATED AT 7711 LOISDALE ROAD, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hall and Wilson not present for the vote; Commissioner Harsel absent from the meeting.

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Commissioner Murphy announced his intention to defer the public hearing on SE-00-S-038, Jagdish Berry, from February 1, 2001 to March 28, 2001.

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RZ-2000-MA-036 - S&R DEVELOPERS, INC. (Decision Only)

(The public hearing on this application was held on January 10, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-MA-036, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JANUARY 16, 2001, AS AMENDED THIS EVENING BY THE APPLICANT'S REPRESENTATIVE, SPECIFICALLY, LANGUAGE UNDER PROFFER NUMBER 8, " . . . WITHOUT REQUIRING A PROFFER INTERPRETATION OR THE APPROVAL OF A PROFFERED CONDITION AMENDMENT" WILL BE DELETED FROM NUMBER 8.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT REQUIREMENT.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

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In accordance with Planning Commission Bylaws, Chairman Murphy announced that the election of officers would take place on Thursday, January 18, 2001.

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Chairman Murphy noted with sadness the passing of Lena Wyckoff, mother of former Planning Commission Executive Director, Jim Wyckoff. He spoke about Mrs. Wyckoff's work to preserve the heritage of Fairfax County, specifically in the rebuilding of the Fairfax Station Railroad Museum. Chairman Murphy expressed the Commission's sympathy to the Wyckoff family.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy set the following order for the agenda:

1. RZ-2000-HM-063 - AC ASSOCIATES II LIMITED PARTNERSHIP
SE-00-H-035 - AC ASSOCIATES II LIMITED PARTNERSHIP
2. RZ-2000-SU-021 - EQUITY HOMES, LP

This order was accepted without objection.

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RZ-2000-HM-063 - AC ASSOCIATES II LIMITED PARTNERSHIP -

Appl. to rezone from I-4 to I-4 in order to waive the 75 ft. setback requirement from the Dulles Airport Access & Toll Rd. to permit an office bldg. parking structure w/an overall FAR of 0.70 on property located on the S. side of Sunset Hills Rd., immediately W. of the Northern Virginia Regional Park Authority Trail on approx. 5.63 ac. Comp. Plan Rec: Mixed use. Tax Map 18-3((6))10. (Concurrent w/SE-00-H-035.) HUNTER MILL DISTRICT.

SE-00-H-035 - AC ASSOCIATES II LIMITED PARTNERSHIP - Appl.

under Sects. 9-607 & 9-618 of the Zoning Ord. to permit an increase in bldg. height & an increase in FAR for office development & a waiver of the 75 ft. setback requirement from the Dulles Airport Access Rd. on property located at 11901 Sunset Hills Rd. on approx. 5.63 ac. zoned I-4. Tax Map 18-3((6))10. (Concurrent w/RZ-2000-HM-063.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Ms. Elizabeth Baker, a planner with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated January 3, 2001. There were no disclosures by Commission members.

Mr. Francis Burns, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Palatiello, Mr. Burns explained that Condition Number 4 had been amended to clarify the height limitation; Condition Number 5 to indicate that interparcel access should be provided to adjacent parcel 9; and Condition Number 6 to include a sidewalk from the south side of the building to the public access easement in the southwestern portion of the site. He added that Proffer Number 7 had been amended to include a reference to an architectural depiction provided by the applicant.

In response to questions from Commissioner Byers, Mr. Burns explained that a rezoning application was needed even though the zoning on the property would not change since the applicant was requesting a waiver of the 75-foot setback requirement from the Dulles Airport Access Road which had to be done through the proffer process. He added that the need for the rezoning was discovered during the processing of the associated special exception.

Commissioner Palatiello commented that the application had gone through several iterations since its original submission, partially due to concerns and recommendations expressed by the Planning and Zoning (P&Z) Committee of the Reston Citizens Association (RCA).

In response to a question from Commissioner Smyth, Mr. Burns confirmed that the proposed 135 foot height included the penthouse for mechanical equipment.

Commissioner Palatiello noted that, due to the topography of the site, the proposed building would be comparable in height to the office building next door and that the layout and interparcel connections planned would create a campus-type setting between the two buildings.

Ms. Baker briefly explained how the project had been modified to accommodate the requests and suggestions of the P&Z Committee. She noted that there would be three levels of structured parking, a well-designed entry plaza to visually connect with the adjacent office building. She stated that the structured parking under the building, the penthouse on top and the topography of the site all contributed to the proposed 135-foot height.

In response to a question from Commissioner Alcorn, Ms. Baker confirmed that the strip of existing vegetation along the Access Road to be retained would be supplemented with additional plantings.

Commissioner Palatiello commented that the Access Road at this point was higher than the subject property and that it would therefore be impossible to totally screen the proposed building from the roadway, but that the buffer area planned by the applicant would soften the visual effect. Ms. Baker confirmed this statement.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-2000-HM-063, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JANUARY 17, 2001.

Commissioners Byers and DuBois seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 75-FOOT MINIMUM DISTANCE REQUIREMENT FROM THE DULLES AIRPORT ACCESS ROAD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-H-035, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 17, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN AND NORTHERN PROPERTY LINES IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT AND AS CONDITIONED IN THE DEVELOPMENT CONDITIONS.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE EASTERN AND NORTHERN PROPERTY LINES.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG THE DULLES AIRPORT ACCESS ROAD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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RZ-2000-SU-021 - EQUITY HOMES, LP - Appl. to rezone from C-8, R-1 & WS to R-2 & WS to permit residential cluster development at a density of 1.50 du/ac on property located on the S. side of Lee Hwy., approx. 350 ft. W. of Village Dr. on approx. 17.96 ac. Comp. Plan Rec: Fairfax Center Area: 1-2 du/ac w/option for office at overlay level. Tax Map 56-2((1))64, 65; 56-2 ((7))1-3; 56-4 ((1))5, 5A. SULLY DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated June 27, 2000. There were no disclosures by Commission members.

Mr. Jim Albright, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Martin noted that the subject property was split zoned with C-8 zoning on the four lots fronting on Lee Highway and R-1 zoning on the interior lots. He added that the applicant's proposal for R-2 cluster would be a downzoning of the commercial property, currently used by a tree service, and would result in a significant improvement to the site. He said that the proposed 1.5 dwelling units per acre was consistent with the intermediate level recommended in the Comprehensive Plan. Mr. Martin pointed out that the proposal included the following amenities:

- ❖ 35 percent open space;
- ❖ interparcel connection for future development to the east;
- ❖ buffer along Lee Highway
- ❖ buffer to the adjacent private cemetery; and
- ❖ homes within the approved sewer service area.

He added that the application met more than the required elements for development in the Fairfax Center Area. He noted that the one area of disagreement with staff was in construction of the service drive to the west of the proposed entrance. He added that the applicant would prefer to escrow the money needed for construction rather than build a portion of the service drive that was not needed at this time and would not connect to anything. Mr. Martin emphasized however that the applicant would construct the western portion if necessary, although it would not be aesthetically pleasing to do so. He added that the applicant had met with the Merry Mead Civic Association and the Sully District Council, both of which supported the application. Mr. Martin explained that he had contacted a gentleman whose name he was given by Supervisor Michael Frey's Office as a representative of Leehigh Village. He said that the gentleman in question had indicated no opposition to the applicant's plans and said he would call Mr. Martin if he heard of any problems. Mr. Martin stated that it was his understanding that several residents of Lee High Village were present this evening and he indicated his willingness to work with them.

In response to questions from Commissioner Koch, Mr. Martin explained the proposed traffic pattern for access to the new homes. He reiterated the applicant's position on the service drive issue, noting that the eastern portion was necessary for access to Lee Highway, but that the shorter western portion was not necessary at this time. He confirmed Commissioner Koch's statement that the existing curb cut in front of the subject property would be removed when Lee Highway was widened to its ultimate width of six lanes. He further confirmed that both the County's Department of Transportation and the Virginia Department of Transportation (VDOT) would not approve any other access to Lee Highway from the subject property.

Commissioner Koch announced his intention to defer the decision on this case for a two week period.

In response to a question from Commissioner Wilson, Mr. Martin explained once again why the applicant preferred not to construct the western portion of the service drive.

There being no further comments or questions from the Commission, Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Ms. Brenda Scott, 4600 McKenzie Avenue, Fairfax, spoke in opposition to the application. She suggested that the R-1 zoning be retained and expressed her concern about the proposed buffering and fencing around the adjacent private cemetery. She also asked if proposed new lots 10, 11, 12, 13, and 18 would have access to McKenzie Avenue.

Mr. Thomas Allen, 11638 Leehigh Drive, Fairfax, was also opposed to the application. He mentioned additional traffic at the intersection of Village Drive and Lee Highway and water runoff and water supply problems as his main concerns.

Mr. Allen responded to questions from Commissioner Alcorn regarding his water supply and Commissioner Hall regarding his position on the proposed vehicular access for the new homes.

Mr. Albright responded to questions from Commissioners Murphy, Byers and Wilson regarding the approved sewer service area and how these homes would be connected to the main sewer lines.

Mr. Brent Lander, 11628 Kenwood Terrace, Fairfax, expressed his concern about increased traffic at the intersection of Lee Highway and Village Drive, relocation of a sewer easement serving Lots 31 and 32 in Leehigh Village, and ownership/responsibility for the screening for those lots. (A copy of Mr. Lander's statement is in the date file.)

Mr. Robert McLean, 11640 Leehigh Drive, Fairfax, was concerned about the amount of fill that would be required to raise proposed lots 6, 7 and 8 to a level where they could be connected to a gravity sewer line. He spoke about water runoff problems in the area.

Mr. Thomas McDonald, 12307 Cannonball Road, Fairfax, spoke in support of the application. He noted that this proposal was the first major development on the south side of Lee Highway between Village Drive and the Fairfax County Parkway. He added that new development on the north side of Lee Highway had been mostly high density and commended the applicant for retaining low density on the subject property. He said that the applicant's proposal would remove an eyesore on Lee Highway.

In response to questions from Chairman Murphy, Mr. Albright confirmed that the traffic pattern for ingress and egress had been pre-determined by VDOT.

There being no further speakers, Chairman Murphy called upon Mr. Martin for a rebuttal statement.

Mr. Martin explained that the cemetery would be adequately fenced and protected. He added that the fence could be placed on either side of the buffer strip and the applicant would be happy to work with Ms. Scott to determine the exact placement. He said that lots 10, 11, 12, 13, and 18 would not have access to McKenzie Avenue. Regarding water problems, he explained that the proposed stormwater management pond should not only handle any additional runoff caused by development of the subject property as required by law, but also ameliorate the existing situation. Addressing the sewer issue, he explained that a map depicting the sewer divide in this area was available to the public in the 3rd floor office of Mr. Jimmie Jenkins, Director of the Wastewater Planning and Monitoring Division of the Department of Public Works and Environmental Services. He noted that the applicant was very aware of the limits of the sewer service area and assured the Commission and the audience that all of the proposed lots could be connected to the main sewer lines. Concerning the access issue, Mr. Martin stated that, while the subject property currently had direct access to Lee Highway in both directions, VDOT had clearly indicated that the curb cut in that location would be removed when Lee Highway was improved and that the only other access to Lee Highway was via the service drive to Village Drive. In reply to Mr. Lander's concerns, he noted that the buffer areas would be owned and maintained by a homeowners association to be established for the new subdivision. He added that the sewer line in the easement to existing lots 31 and 32 would be extended, not relocated, and that no pump would be required. Mr. Martin concluded his rebuttal by stating that he would meet with the speakers and any other interested parties to address their concerns in detail prior to the Commission's decision on this application.

In response to questions from Commissioner Koch, Mr. Martin agreed to place a sign at the end of the temporary cul-de-sac that would be used as an interparcel connection in the future.

In response to questions from Commissioner Byers, Mr. Martin explained that the standard \$950 per unit contribution to the Park Authority applied to development in the P Districts only. He added that there was no requirement for a conventional development; however, the applicant had proffered such a contribution for this application.

In response to questions from Commissioner Wilson, Mr. Martin confirmed that sidewalks were planned for both sides of the interior streets, but that there was no requirement and there had been no request for a sidewalk along the service drive. He added that only two lots would need to be raised to facilitate the proper sewer flow and that he estimated that fill to be in the four to six foot range. He also explained that the applicant had suggested that the fence around the cemetery be either wrought iron or a new product made of very dense aluminum that resembled wrought iron but was maintenance free.

In response to a further question from Commissioner Wilson about whether the applicant would agree to the standard sign proffer regarding real estate signs, Mr. Martin said the applicant would be more than happy to proffer that it would post no illegal signs.

Commissioner Murphy commented that the standard sign proffer Commissioner Wilson referred to had been used primarily a few years ago when there was a large amount of development in the Centreville area in a short period of time.

Commissioner Wilson explained that she raised the issue because there seemed to be a mistaken impression in the development community that it was all right to post illegal signs on weekends as long as they were removed on Sunday evening.

There being no further comments or questions from the Commission and Mr. Albright having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Koch for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT (THE DECISION ONLY ON) RZ-2000-SU-021 BE DEFERRED, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, UNTIL FEBRUARY 7, 2001.

Commissioners Byers and Wilson seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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The meeting was adjourned at 10:05 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: October 18, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission